

HOUSE BILL 3140

By Maggart

AN ACT to amend Tennessee Code Annotated, Title 38;
Title 39 and Title 40, relative to conditions of
release or supervision for persons convicted of
certain sex offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-303(d), is amended by adding the following new subdivision thereto:

(12) If the offender is on supervised probation for the commission of an offense that requires the offender to register as a sex offender or violent sex offender pursuant to title 40, chapter 39, part 2:

(A) Prohibit the offender from accessing or using a computer or any other device with internet capability without the prior written approval of the court except the offender may use a computer or any other device with internet capability in connection with that offender's employment or search for employment with the prior approval of the offender 's probation or parole officer;

(B) Require the offender to submit to periodic unannounced examinations of the offender 's computer or any other device with internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(C) Require the offender to submit to the installation on the offender 's computer or device with internet capability, at the offender 's expense, one (1) or more hardware or software systems to monitor the internet use; and

(D) Require the offender to submit to any other appropriate restrictions concerning the offender's use or access of a computer or any other device with internet capability.

SECTION 2. Tennessee Code Annotated, Section 40-28-117, is amended by adding the following to the end of subsection (a):

If the prisoner is being paroled for the commission of an offense that requires the prisoner to register as a sex offender or violent sex offender pursuant to title 40, chapter 39, part 2, the board may:

(1) Prohibit the prisoner from accessing or using a computer or any other device with internet capability without the prior written approval of the court except the prisoner may use a computer or any other device with internet capability in connection with that prisoner's employment or search for employment with the prior approval of the prisoner's probation or parole officer;

(2) Require the prisoner to submit to periodic unannounced examinations of the prisoner's computer or any other device with internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(3) Require the prisoner to submit to the installation on the prisoner's computer or device with internet capability, at the prisoner's expense, one (1) or more hardware or software systems to monitor the internet use; and

(4) Require the prisoner to submit to any other appropriate restrictions concerning the prisoner's use or access of a computer or any other device with internet capability.

SECTION 3. Tennessee Code Annotated, Section 39-13-524(d), is amended by adding the following to the end of subdivision (1):

As a condition of community supervision for life, the board may:

(A) Prohibit the person from accessing or using a computer or any other device with internet capability without the prior written approval of the court except the person may use a computer or any other device with internet capability in connection with that person's employment or search for employment with the prior approval of the person's probation or parole officer;

(B) Require the person to submit to periodic unannounced examinations of the person's computer or any other device with internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(C) Require the person to submit to the installation on the person's computer or device with internet capability, at the person's expense, one or more hardware or software systems to monitor the internet use; and

(D) Require the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with internet capability.

SECTION 4. Tennessee Code Annotated, Title 39, Chapter 13, Part 5, is amended by adding the following as a new section thereto:

39-13-533.

(a) It is an offense when a court or the board of probation and parole has under § 40-35-303(d)(12), § 40-28-117(a) or § 39-13-524(d)(1), ordered any of the following conditions and a person fails to comply with the ordered conditions:

(1) Prohibited a person required to register as a sex offender or violent sex offender pursuant to title 40, chapter 39, part 2 from accessing or using a computer or any other device with internet capability without the prior written approval of the court except the person may use a computer or any other device with internet capability in connection with that person's employment or search for employment with the prior approval of the person's probation or parole officer;

(2) Required the person to submit to periodic unannounced examinations of the person's computer or any other device with internet capability by a probation officer, parole officer, law enforcement officer or assigned computer or information technology specialist, including the retrieval and copying of all data from the computer or device and any internal or external peripherals and removal of such information, equipment or device to conduct a more thorough inspection;

(3) Required the person to submit to the installation on the person's computer or device with internet capability, at the person's expense, one or more hardware or software systems to monitor the internet use; or

(4) Required the person to submit to any other appropriate restrictions concerning the person's use or access of a computer or any other device with internet capability.

(b) A violation of this section is a Class E felony.

SECTION 5. This act shall take effect July 1, 2008, the public welfare requiring it.